

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

FRANCISCO RODRIGUEZ-PEREZ,

Defendant,

MONICA VERA LOPEZ,

Third Party  
Claimant/Petitioner.

NO. CR13-5597BHS

**STIPULATED SETTLEMENT  
AGREEMENT**

The United States of America, by and through Annette L. Hayes, Acting  
United States Attorney for the Western District of Washington, and Matthew H. Thomas,  
Assistant United States Attorney for said District, and Petitioner Monica Vera Lopez, by  
and through Aimee Sutton, stipulate to a settlement of their claims to the following  
property:

1. \$9,019.97 in U.S. currency, more or less, seized from the residence of  
FRANCISCO RODRIGUEZ-PEREZ, on or about October 29, 2013.  
(sometimes hereinafter referred to as "the subject currency".)

1 On June 9, 2014, this Court entered a Preliminary Order of Forfeiture identifying  
2 the subject currency as property forfeited to the United States as a consequence of the  
3 guilty plea of Francisco Rodriguez-Perez to the offense of Distribution of Heroin, as  
4 charged in Count 8 of the Superseding Indictment, a violation of Title 21, United States  
5 Code, Sections 841(a)(1), 841(b)(1)(C), and 846. *See* Docket No. 181.

6 Pursuant to Title 21, United States Code, Section 853(n), the United States  
7 published notice on an official internet government forfeiture website,  
8 [www.forfeiture.gov](http://www.forfeiture.gov), starting on June 10, 2014 and running consecutively for thirty days  
9 until its conclusion on July 11, 2014. In the publication, the United States published  
10 notice of the Preliminary Order of Forfeiture and the intent of the United States to  
11 dispose of the property in accordance with law. This notice further stated that any person  
12 other than the defendant having or claiming an interest in the property was required to  
13 file a petition with the Court within sixty (60) days of the first date of publication of the  
14 notice, setting forth the nature of the petitioner's right, title, and interest in the property.  
15 *See* Docket No. 220.

16 On July 24, 2014, Third Party Petitioner Monica Vera Lopez, hereinafter  
17 "Petitioner," filed a Petition claiming an interest in the subject currency. *See* Docket No.  
18 200.

19 All persons and entities believed to have an interest in the subject currency were  
20 given proper notice of the intended forfeiture.

21 This stipulated settlement is entered into between the parties pursuant to the  
22 following terms:

23 1. The parties acknowledge that this Agreement is made as a compromise and  
24 is not, and cannot be construed as, or asserted by any party or other person or entity to be,  
25 an admission of liability or a concession of superior right, title, or interest in the subject  
26 currency.

27 2. Plaintiff United States stipulates and agrees to the return \$3,840.00 of the  
28 subject currency to Petitioner.

1           3.     Petitioner agrees that the return of \$3,840.00 shall be in full settlement and  
2 satisfaction of any and all claims by the Petitioner to the above-described subject  
3 currency.

4           4.     Petitioner hereby stipulates and agrees to withdraw any remaining claims to  
5 the remaining \$5,179.97 in U.S. currency, more or less, seized from the residence of  
6 Francisco Rodriguez-Perez, on or about October 29, 2013.

7           5.     Petitioner agrees to release and hold harmless the United States, the United  
8 States Department of Justice, the Drug Enforcement Administrative, and any and all  
9 agents, servants, and employees of the United States and its agencies, acting in their  
10 individual or official capacities, from any and all claims by Petitioner , and/or her  
11 representatives, agents, heirs, successors, and assigns, which currently exist or which may  
12 arise as a result of the forfeiture action against the subject currency.

13          6.     Petitioner understands and agrees that by entering into this stipulated  
14 agreement of her interest in the subject currency, she waives any right to further litigate  
15 her interest in the subject currency and to petition for remission or mitigation of the  
16 forfeiture. Thereafter, unless specifically directed by an order of the Court, Petitioner  
17 shall be excused and relieved from further participation in this action.

18          7.     Each party agrees to bear their own costs and attorney's fees in this  
19 forfeiture case and ancillary proceeding.

20          8.     Petitioner acknowledges that the Debt Collection Improvement Act of  
21 1996, as codified at 31 U.S.C. § 3716 and administered through the Treasury Offset  
22 Program ("TOP), requires the United States Treasury to offset federal payments to collect  
23 certain delinquent debts owed by a payee to the United States, a United States agency, or  
24 a state. Accordingly, the Petitioner acknowledges that the amount to be returned to the

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Petitioner under this Agreement may be reduced by the amount of any such delinquent debt that the United States Treasury is required to collect through TOP.

Respectfully Submitted:

DATED: February 19, 2015

s/Matthew H. Thomas  
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DATED: 2/19/2015

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DATED: 2/19/15

Monica Vera Lopez  
MONICA VERA LOPEZ  
Petitioner

**ORDER**

Based upon the foregoing stipulation of the parties, this Stipulated Settlement Agreement is hereby APPROVED.

DATED this 20 day of February, 2015.

  
BENJAMIN H. SETTLE  
UNITED STATES DISTRICT JUDGE